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July 25, 2023

VIA ECF

Hon. Jennifer H. Rearden, U.S.D.J.
United States District Court, Southern District Of New York
500 Pearl Street, Room 1010
New York, Ny 10007
(212) 805-0230

Re: *Brooke Warren v. ResMed Corp., et al.*
Civil Action No. 1:21-cv-08531

Dear Judge Rearden:

This firm represents Defendant ResMed Corp. (“ResMed”) in the above-referenced matter. We write to request an adjournment of the Status Conference scheduled for August 4, 2023 at 2:15 pm. This is the first request by ResMed for an adjournment of this Status Conference.

We request this adjournment because of counsel’s previously scheduled vacation. We have communicated with counsel for Plaintiff and counsel for Defendants Apria Healthcare LLC and Apria Healthcare Group Inc. (incorrectly named and n/k/a Apria Healthcare Group LLC), both of whom consent to ResMed’s request for an adjournment. At this time, no other appearances before this Court have been scheduled, and ResMed does not believe that the requested adjournment will impact other deadlines in this matter.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ *Beth S. Rose*

BETH S. ROSE

cc: All Counsel of Record (via ECF)

Application GRANTED. The conference scheduled for August 4, 2023 is hereby adjourned to **August 14, 2023 at 10:45 a.m.** See ECF No. 61 for information on accessing the proceeding.

In light of the foregoing adjournment, the briefing schedule set forth in the Court's July 21, 2023 Order, *see id.*, is modified as follows:

- By **August 7, 2023**, the parties shall each submit a letter setting forth their respective positions on the “dispute between Plaintiff and Apria as to where the product inspection and data download will take place,” as well as any other “outstanding issues with respect to the product inspection.” *See* ECF No. 59 at 3. The parties’ letters are to include any applicable legal authorities and not exceed three single-spaced pages each.
- By **August 11, 2023 at 5:00 p.m.**, each party may respectively submit a letter responding to the other party’s letter, limited to three single-spaced pages. No reply letters will be permitted.

The Clerk of Court is directed to terminate ECF No. 62.

SO ORDERED.



Jennifer H. Rearden

Jennifer H. Rearden, U.S.D.J.
Date: July 26, 2023